

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

KATHRYN A. TENNEY,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,Defendant.

:
:
:
:
:
:
:
:
:
:
:
:

CASE NO. 4:20-cv-01569

OPINION & ORDER
[Resolving Doc. 1]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Kathryn A. Tenney seeks judicial review of the Social Security Administration Commissioner's final decision that denied her application for Supplemental Security Income ("SSI").¹

On September 7, 2021, Magistrate Judge Carmen E. Henderson filed a Report and Recommendation ("R&R"). The R&R recommended the Court reverse and remand the Commissioner's final decision.² On September 14, 2021, Defendant filed a response to the R&R saying that the Commissioner would not file objections.³

The Federal Magistrates Act requires district courts to conduct a *de novo* review of only objected-to portions of an R&R.⁴ Absent objection, district courts may adopt an R&R without review.⁵ Defendant did not object to the R&R, and this Court may adopt Magistrate

¹ Doc. 1. Plaintiff and the Commissioner filed merits briefs. Doc. 14 and Doc. 16. Plaintiff filed a reply. Doc. 18.

² Doc. 19.

³ Doc. 20.

⁴ 28 U.S.C. § 636(b)(1).

⁵ *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Failure to timely object may waive a party's right to appeal the district court's order adopting the R&R. *Id.* at 155; *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Case No. 4:20-cv-01569
Gwin, J.

Judge Henderson's R&R without further review.

Accordingly, the Court **ADOPTS** Magistrate Judge Henderson's R&R, and **REVERSES** and **REMANDS** the Commissioner's final decision.

IT IS SO ORDERED.

Dated: September 24, 2021

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE